

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : GOLD, Daniel P. et al.
SERIAL NO : 09/927,121 issued as Patent No. 6,911,204
FILED : August 10, 2001 issued on June 28, 2005
TITLE : METHOD AND COMPOSITION FOR ALTERING A B CELL
MEDIATED PATHOLOGY

Grp./A.U. : 1644
Examiner : GAMBEL, PHILLIP
Conf. No. : 4259
Docket No. : P09575US01

**PETITION FOR REVIVAL OF A LAPSED PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to the Expiration of the above-referenced patent for Failure to Pay
Maintenance Fees on June 28, 2009, please consider the following remarks and withdraw the
holding of abandonment in the above-referenced patent.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING
Deposited with the United States Postal
Service with sufficient postage as First Class
mail in an envelope addressed to the
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

FACSIMILE/ELECTRONIC
☒ transmitted by facsimile/electronic to the Patent
and Trademark Office, Art Unit 1644
at Fax No. (571) 273-8300

Date: 3-17-10


JILL N. LINK 01 FC:2552 1240.00 DA
02 FC:1558 1640.00 DA

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REMARKS

1. A Maintenance Fee under 37 C.F.R. § 1.20(e) and a Surcharge under 37 C.F.R. § 1.20(h) were finally due on June 28, 2009 for the above-referenced patent.
2. The above-referenced patent expired for failure to pay the required Maintenance Fees on June 28, 2009 (no notification was mailed by the Patent Office to the agent of record).
3. On June 2, 2008, Dan Gold, PhD, the inventor of the above-referenced patent and an employee of Favrilie, Inc., instructed its agent of record (Wilson Sonsini Goodrich & Rosati) to no longer prosecute the above-referenced patent. Therefore, no Maintenance Fee and/or Surcharge were paid by the agent.
4. On November 8, 2008 Favrilie, Inc. entered into an Agreement and Plan of Merger and Reorganization ("Agreement") with MyMedicalRecords.Com, Inc. (now MyMedicalRecords, Inc. a wholly-owned subsidiary of MMR Information Systems, Inc., as set forth in the Power of Attorney and Assignment documents filed with the Patent Office for the above-referenced patent).
5. The Agreement between the parties is attached to this Petition as Exhibits 1 and 2, which are further described below. The Agreement demonstrates Favrilie's intent to provide to MMR Information Systems' the intellectual property assets, including the above-referenced patent, as active patents, rather than to abandon for failure to pay maintenance fees. The Agreement further demonstrates MMR Information System's intent to acquire Favrilie's intellectual property assets, including the above-referenced patent as an active patent. The Agreement specifically represents there was good, valid and enforceable title to the above-referenced patent and states the parties would not "sell, assign, license, abandon, allow to lapse ... or otherwise dispose of

..." the above-referenced patent. (emphasis added). See Exhibit 1, 66 pages total (complete "Agreement") and Exhibit 2, 8 pages total (relevant portions of "Agreement").

6. As a result, MMR Information Systems, Inc. took title to the above-referenced patent through the merger and reorganization of Favrilie, Inc. (now MMR Information Systems, Inc.), without any knowledge of the maintenance fee requirement for the above-referenced patent and without knowledge of the instructions given by Dan Gold, PhD to Favrilie, Inc.'s agent of record.

7. A Maintenance Fee Reminder was mailed to Favrilie's agent of record (Wilson Sonsini Goodrich & Rosati) on January 5, 2009 as indicated on the "Patent Bibliographic Data" available on the USPTO website. No notification was forwarded to MMR Information Systems, Inc., who remained unaware of the maintenance fee requirement.

8. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional as required by 37 C.F.R. § 1.137(b)(3).

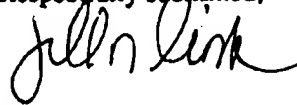
9. Response and/or action required to revive a lapsed patent is provided herein by Applicant, including: (1) maintenance fee of \$490.00 (first maintenance fee for small entity); and (2) surcharge of \$65.00 (late surcharge for small entity).

10. The fee as set forth in 37 C.F.R. § 1.17(m) (\$810.00) for the Petition to Revive for Unintentional Abandonment is also provided.

11. Please charge Deposit Account No. 26-0084 in the amount of \$1,365.00 to cover the fee for the Petition to Revive an Unintentionally Lapsed Patent and the maintenance and surcharge fees due for the above-referenced patent. If any other outstanding fees have been inadvertently omitted from this response, please consider this a request therefore to charge Deposit Account No. 26-0084 for the amount owed.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jill N. Link". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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- JNL -